

REMARKS

1. New claims 36-51 are currently pending in the application. Claims 1 and 27-35 have been cancelled. No new matter has been added.

All amendments and cancellations presented herein are made solely to expedite prosecution of the application without admission as to the propriety of the rejections set forth in the present Office Action and without acquiescence to the Examiner's characterization of the claims or cited references. Applicants respectfully reserve the right to include claims of the same or different scope as previously written in one or more continuing applications.

This Amendment is being simultaneously filed with a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 and a terminal disclaimer under 37 C.F.R. § 1.321(c).

Claim Rejections – 35 U.S.C. § 102

2. The Examiner has rejected claims 1 and 27-32 and 35 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,064,413 (McKinnon). Without acquiescing to the validity of the current rejection, claims 1 and 27-32 and 35 have been cancelled rendering their rejection moot.

Claim Rejections – 35 U.S.C. § 103

3. The Examiner has rejected claims 33-34 under 35 U.S.C. § 103(a) as being unpatentable over McKinnon in view of U.S. Patent No. 5,304,128 (Haber). Without acquiescing to the validity of the current rejection, claims 33-34 have been cancelled rendering their rejection moot.

Double Patenting

4. The Examiner has rejected claims 1 and 27-35 under the judicially-created doctrine of obviousness-type double patenting over claims 1-23 of U.S. Patent No. 6,616,627 (the '627 patent). Without acquiescing to the validity of the current rejection, claims 1 and 27-35 have been cancelled rendering the rejection moot. However, to the extent that the rejection applies to new claims 37-51 but without acquiescing to the validity of the rejections relevance, Applicants

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enclose herewith a terminal disclaimer directed to the '627 patent in compliance with 37 C.F.R. § 1.321(c) in the interest of expediting prosecution.

CONCLUSION

5. In view of the foregoing Amendment and remarks, Applicants respectfully submit that the present application, including new claims 37-51, is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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